



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/761,828

01/20/2004

Hui Li

PD030017

4449

24498

7590

07/06/2006

THOMSON LICENSING INC.
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

RIES, LAURIE ANNE

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/761,828	Applicant(s) LI ET AL.	
	Examiner Laurie Ries	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 1: The language of the claim merely describes non-functional descriptive material. As such, this raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

One technique for satisfying the requirements of 35 USC 101 is to claim a tangible, useful and concrete result, such as displaying the metadata to a user on a display device.

Regarding independent claim 7: The language of these claims merely describes a computer program per se. As such, this raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

One technique for satisfying the requirements of 35 USC 101 is to claim code residing in memory (i.e., hardware), wherein that code produces a tangible result.

Dependent claims 1-6 and 8-12 are dependent upon claims 1 and 7, respectively, and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanamoto (U.S. Publication 2002/0167683 A1) in view of Applicant's Admitted Prior Art, hereafter referred to as AAPA.

As per independent claims 1 and 7, Hanamoto discloses a device and method for processing multimedia data including providing selected keyword data, which is information directly perceptible by a user (See Hanamoto, Page 2, paragraph 0042).

Hanamoto also discloses providing a metadata template to form a first metadata, such as cover image files (See Hanamoto, Page 2, paragraph 0042).

Hanamoto also discloses providing a list of links to keyword data (See Hanamoto, Page 2, paragraph 0042).

Hanamoto also discloses forming cover images on the basis the keyword data and list of links to the image data (See Hanamoto, Page 2, paragraphs 0046-0047).

Hanamoto also discloses a means to store the keyword data (See Hanamoto, Page 2, paragraph 0042).

Hanamoto does not disclose expressly essence data. AAPA discloses the definition of essence data as basic data, such as text, picture, video or audio, to which metadata is linked (See Instant Specification, Page 1, lines 16-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to conclude that the keyword data of Hanamoto is essence data as disclosed in AAPA. The motivation for this conclusion would have been that the keyword data includes text information which is linked to cover image files, therefore the keyword data of Hanamoto meets the definition of essence data as provided by the Instant Application.

As per dependent claims 2 and 8, Hanamoto discloses the limitations of claims 1 and 7 as described above. Hanamoto also discloses that the cover image data is linked with the keyword data to form metadata (See Hanamoto, Page 2, paragraphs 0046-0047).

As per dependent claims 3 and 9, Hanamoto discloses the limitations of claims 1 and 7 as described above. Hanamoto also discloses that the metadata is formed by taking over the keyword data into a header, or MD-essence space, of the metadata template (See Hanamoto, Page 2, paragraph 0047).

As per dependent claims 4 and 10, Hanamoto discloses the limitations of claims 1 and 7 as described above. Hanamoto also discloses that the metadata is

formed by adding links of the second metadata into a link space of the metadata template (See Hanamoto, Page 3, paragraphs 0053-0057).

As per dependent claims 5 and 11, Hanamoto discloses the limitations of claims 1 and 7 as described above. Hanamoto also discloses that a third metadata or essence data, such as clip art, is linked with the links of the second metadata and is used to form essence or links of the first metadata (See Hanamoto, Page 3, paragraph 0057).

As per dependent claims 6 and 12, Hanamoto discloses the limitations of claims 1 and 7 as described above. Hanamoto also discloses that the step of forming the first metadata is performed using an input unit, such as a keyboard or mouse (See Hanamoto, Page 2, paragraph 0044). It was well known in the art that data inputted into a computer using a keyboard or mouse would have been viewed on a display device displaying a graphical user interface.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Mourad (U.S. Publication 2006/0053077 A1) discloses digital content distribution using Web broadcasting services.
- Gray (U.S. Publication 2004/0034662 A1) discloses an equipment documentation management system, method, and software tool.


Art Unit: 2176

- Deutscher (U.S. Publication 2004/0001106 A1) discloses a system and process for creating an interactive presentation employing multimedia components.
- Handschuh discloses authoring and annotation of Web pages in CREAM.
- DeRoure discloses link services infrastructures.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR


WILLIAM BASHORE
PRIMARY EXAMINER